

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 19-0842.02 Jennifer Berman x3286

SENATE BILL 19-242

SENATE SPONSORSHIP

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Senate Committees
Health & Human Services

House Committees
Health & Insurance

HOUSE
3rd Reading Unamended
May 3, 2019

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF AN EMERGENCY MEDICAL SERVICE**
102 **PROVIDER LICENSE, AND, IN CONNECTION THEREWITH,**
103 **SPECIFYING THAT A CERTIFIED EMERGENCY MEDICAL SERVICE**
104 **PROVIDER MAY OBTAIN A LICENSE FROM THE DEPARTMENT OF**
105 **PUBLIC HEALTH AND ENVIRONMENT IF THE CERTIFIED**
106 **EMERGENCY MEDICAL SERVICE PROVIDER DEMONSTRATES TO**
107 **THE DEPARTMENT THAT THE CERTIFIED EMERGENCY MEDICAL**
108 **SERVICE PROVIDER COMPLETED A FOUR-YEAR BACHELOR'S**
109 **DEGREE PROGRAM.**

HOUSE
2nd Reading Unamended
April 29, 2019

SENATE
3rd Reading Unamended
April 24, 2019

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

SENATE
Amended 2nd Reading
April 23, 2019

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Currently, regulation of an emergency medical service (EMS) provider, including a paramedic, involves certification. **Section 2** of the bill authorizes a certified EMS provider to apply for licensure from the department of public health and environment (department) based on a demonstration to the satisfaction of the department that the EMS provider has completed a 4-year bachelor's degree program from an accredited college or university.

Sections 1 and 3 to 26 make conforming amendments, and **sections 27 and 28** make conforming amendments to harmonize the bill with the title 12 recodification bill, House Bill 19-1172.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-3.5-103, **amend**
3 (8) as follows:

4 **25-3.5-103. Definitions.** As used in this article 3.5, unless the
5 context otherwise requires:

6 (8) "Emergency medical service provider" means an individual
7 who holds a valid emergency medical service provider certificate OR
8 LICENSE issued by the department as provided in this ~~article~~ ARTICLE 3.5.

9 **SECTION 2.** In Colorado Revised Statutes, 25-3.5-203, **amend**
10 (1)(b), (1)(c), (1)(d), (2), and (4); and **add** (1)(b.5) as follows:

11 **25-3.5-203. Emergency medical service providers - licensure**
12 **- renewal of license - duties of department - rules - criminal history**
13 **record checks - definitions - repeal.** (1) (b) The department shall certify
14 ANDLICENSE emergency medical service providers. The board shall adopt
15 rules for the certification AND LICENSURE of emergency medical service
16 providers. The rules must include the following:

17 (I) A statement that a certificate OR LICENSE is valid for a period
18 of three years after the date of issuance;

1 (II) A statement that the certificate ~~shall be~~ OR LICENSE IS
2 renewable at its expiration upon the certificate holder's OR LICENSEE'S
3 satisfactory completion of the training requirements established pursuant
4 to subsection (2) of this section;

5 (III) Provisions governing the use of results of national and state
6 criminal history record checks by the department to determine the action
7 to take on a certification OR LICENSE application pursuant to subsection
8 (4) of this section. Notwithstanding ~~the provisions of section 24-5-101,~~
9 ~~C.R.S., these provisions shall~~ GOVERNING THE USE OF CRIMINAL HISTORY
10 RECORD CHECK RESULTS MUST allow the department to consider whether
11 the applicant has been convicted of a felony or misdemeanor involving
12 moral turpitude and the pertinent circumstances connected with the
13 conviction and to make a determination whether ~~any such~~ THE conviction
14 disqualifies the applicant from certification OR LICENSURE.

15 (IV) Disciplinary sanctions, which ~~shall~~ MUST include provisions
16 for the denial, revocation, and suspension of certificates AND LICENSES
17 and the suspension and probation of certificate holders AND LICENSEES;
18 ~~and~~

19 (V) An appeals process pursuant to sections 24-4-104 and
20 24-4-105 ~~C.R.S.~~, that is applicable to department decisions in connection
21 with certifications AND LICENSES and sanctions; AND

22 (VI) PURSUANT TO SUBSECTION (1)(b.5) OF THIS SECTION, RULES
23 REGARDING THE CONVERSION OF AN EMERGENCY MEDICAL SERVICE
24 PROVIDER'S VALID CERTIFICATION TO A LICENSE UPON THE EMERGENCY
25 MEDICAL SERVICE PROVIDER'S DEMONSTRATION TO THE SATISFACTION OF
26 THE DEPARTMENT THAT THE EMERGENCY MEDICAL SERVICE PROVIDER HAS
27 COMPLETED A FOUR-YEAR BACHELOR'S DEGREE PROGRAM FROM AN

1 ACCREDITED COLLEGE OR UNIVERSITY IN A FIELD RELATED TO THE HEALTH
2 SCIENCES OR AN EQUIVALENT FIELD, AS DETERMINED BY THE BOARD BY
3 RULE.

4 (b.5) (I) ON OR AFTER JANUARY 1, 2021, AN INDIVIDUAL IN THIS
5 STATE WHO HOLDS A VALID EMERGENCY MEDICAL SERVICE PROVIDER
6 CERTIFICATE ISSUED BY THE DEPARTMENT MAY APPLY FOR A LICENSE
7 ISSUED BY THE DEPARTMENT PURSUANT TO THIS SECTION. THE
8 DEPARTMENT MAY ISSUE A LICENSE TO A CERTIFICATE HOLDER WHO HAS
9 COMPLETED A FOUR-YEAR BACHELOR'S DEGREE PROGRAM FROM AN
10 ACCREDITED COLLEGE OR UNIVERSITY IN A FIELD RELATED TO THE HEALTH
11 SCIENCES OR AN EQUIVALENT FIELD, AS DETERMINED BY THE BOARD BY
12 RULE.

13 (II) THE CONVERSION OF AN EMERGENCY MEDICAL SERVICE
14 PROVIDER'S CERTIFICATION TO LICENSURE PURSUANT TO THIS SUBSECTION
15 (1)(b.5) DOES NOT:

16 (A) AFFECT ANY PRIOR DISCIPLINE, LIMITATION, OR CONDITION
17 IMPOSED BY THE DEPARTMENT ON AN EMERGENCY MEDICAL SERVICE
18 PROVIDER;

19 (B) LIMIT THE DEPARTMENT'S AUTHORITY OVER ANY CERTIFICATE
20 HOLDER; OR

21 (C) AFFECT ANY PENDING INVESTIGATION OR ADMINISTRATIVE
22 PROCEEDING.

23 (c) (I) The department may issue a provisional certification OR
24 LICENSE to an applicant for certification OR LICENSURE as an emergency
25 medical service provider who requests issuance of a provisional
26 certification OR LICENSE and who pays any fee authorized under rules
27 adopted by the board. A provisional certification OR LICENSE is valid for

1 not more than ninety days.

2 (II) The department shall not issue a provisional certification OR
3 LICENSE unless the applicant satisfies the requirements for certification OR
4 LICENSURE in accordance with this section and rules adopted by the board
5 under this subsection (1). If the department finds that an emergency
6 medical service provider that has received a provisional certification OR
7 LICENSE has violated any requirements for certification OR LICENSURE, the
8 department may impose disciplinary sanctions under ~~subparagraph (IV)~~
9 ~~of paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b)(IV) OF THIS
10 SECTION.

11 (III) The department may issue a provisional certification OR
12 LICENSE to an applicant whose fingerprint-based criminal history record
13 check has not yet been completed. The department shall require the
14 applicant to submit TO a name-based criminal history record check prior
15 to issuing a provisional certification OR LICENSE.

16 (IV) The board shall adopt rules as necessary to implement this
17 ~~paragraph (c)~~ SUBSECTION (1)(c), including rules establishing a fee ~~to be~~
18 ~~charged to applicants seeking a~~ FOR provisional certification OR
19 LICENSURE. THE DEPARTMENT SHALL DEPOSIT any fee collected for a
20 provisional certification ~~shall be deposited~~ OR LICENSE in the emergency
21 medical services account created in section 25-3.5-603.

22 (d) (I) The department shall exempt certified OR LICENSED
23 emergency medical service providers who have been called to federally
24 funded active duty for more than one hundred twenty days to serve in a
25 war, emergency, or contingency from the payment of certification OR
26 LICENSE fees and from continuing education or professional competency
27 requirements of this ~~article~~ ARTICLE 3.5 for a renewal date during the

1 service or the six months after the completion of service.

2 (II) Upon presentation of satisfactory evidence by an applicant for
3 CERTIFICATION OR LICENSE renewal, ~~of certification~~, the department may
4 accept continuing medical education, training, or service completed by an
5 individual as a member of the armed forces or reserves of the United
6 States, the National Guard of any state, the military reserves of any state,
7 or the naval militia of any state toward the qualifications to renew the
8 individual's certification OR LICENSE.

9 (III) (A) A veteran, active military service member, or member of
10 the National Guard and reserves separating from an active duty tour or the
11 spouse of a veteran or member may apply for certification OR LICENSURE
12 under this ~~article~~ ARTICLE 3.5 while stationed or residing within this state.
13 The veteran, member, or spouse is exempt from the initial certification OR
14 LICENSURE requirements in this ~~article~~ ARTICLE 3.5, except for those in
15 subsection (4) of this section, if the veteran, member, or spouse holds a
16 current, valid, and unrestricted certification from the National Registry of
17 Emergency Medical Technicians (NREMT) at or above the level of state
18 certification being sought.

19 (B) The department shall expedite the processing of a certification
20 OR LICENSE application submitted by a veteran, active military service
21 member, or member of the National Guard and reserves separating from
22 an active duty tour or the spouse of a veteran or member.

23 (IV) The board shall promulgate rules to implement this ~~paragraph~~
24 ~~(d)~~ SUBSECTION (1)(d), including the criteria and evidence for acceptable
25 continuing medical education and training or service.

26 (2) The council shall advise the department and the board in
27 establishing the training requirements for certificate OR LICENSE renewal,

1 ~~Such~~ WHICH training requirements ~~shall consist of~~ MUST INCLUDE A
2 CLASSROOM COMPONENT REQUIRING AT LEAST THIRTY-SIX AND not more
3 than fifty classroom hours. ~~and not less than thirty-six classroom hours.~~

4 (4) (a) The department ~~may, with reasonable cause, acquire a~~
5 SHALL REQUIRE A CERTIFICATION OR LICENSURE APPLICANT TO SUBMIT TO
6 A FEDERAL BUREAU OF INVESTIGATION fingerprint-based NATIONAL
7 criminal history record check from the Colorado bureau of investigation
8 to investigate the ~~holder of or~~ applicant for an emergency medical service
9 provider certificate OR LICENSE. The department may acquire a
10 name-based criminal history record check for a certificate ~~holder~~ or an
11 LICENSE applicant who has twice submitted to a fingerprint-based
12 criminal history record check and whose fingerprints are unclassifiable.

13 (b) ~~(f) Any government entity that employs a person as or allows~~
14 ~~a person to volunteer as an emergency medical service provider in a~~
15 ~~position requiring direct contact with patients shall require all volunteer~~
16 ~~and employed emergency medical service providers, who have lived in~~
17 ~~the state for three years or less at the time of the initial certification or~~
18 ~~certification renewal, to submit to a federal bureau of investigation~~
19 ~~fingerprint-based national criminal history record check to determine~~
20 ~~eligibility for employment.~~ Each emergency medical service provider
21 CERTIFICATION OR LICENSURE APPLICANT required UNDER THIS
22 SUBSECTION (4) to submit to a federal bureau of investigation
23 fingerprint-based national criminal history record check shall obtain a
24 complete set of fingerprints taken by a local law enforcement agency,
25 another entity designated by the department, or any third party approved
26 by the Colorado bureau of investigation. If an approved third party takes
27 the ~~person's~~ APPLICANT'S fingerprints, the fingerprints may be

1 electronically captured using Colorado bureau of investigation-approved
2 livescan equipment. Third-party vendors shall not keep the person's
3 APPLICANT'S information for more than thirty days unless requested to do
4 so by the person APPLICANT. The approved third party or government
5 entity shall transmit the fingerprints to the Colorado bureau of
6 investigation, which shall in turn forward them to the federal bureau of
7 investigation for a national criminal history record check. The department
8 or other authorized government entity is the authorized agency to receive
9 and disseminate information regarding the result of a national criminal
10 history record check. Each entity handling the national criminal history
11 record check shall comply with Pub.L. 92-544, as amended. Each
12 government entity acting as the authorized recipient of the result of a
13 national criminal history record check shall forward the result of the
14 initial national criminal history record check and any subsequent
15 notification of activity on the record to the department to determine the
16 individual's eligibility for initial certification OR LICENSURE or
17 certification OR LICENSURE renewal.

18 ~~(H) Notwithstanding the provisions of subparagraph (I) of this~~
19 ~~paragraph (b), the government entity may acquire a name-based criminal~~
20 ~~history record check for an individual who has twice submitted to a~~
21 ~~fingerprint-based criminal history record check and whose fingerprints~~
22 ~~are unclassifiable.~~

23 ~~(c) (I) (A) A government entity or private, not-for-profit, or~~
24 ~~for-profit organization that employs a person or allows a person to~~
25 ~~volunteer as an emergency medical service provider in a position~~
26 ~~requiring direct contact with patients shall require all volunteer and~~
27 ~~employed emergency medical service providers, who have lived in the~~

1 ~~state for more than three years at the time of initial certification or~~
2 ~~certification renewal, to submit to a fingerprint-based criminal history~~
3 ~~record check by the Colorado bureau of investigation to determine~~
4 ~~eligibility for employment. The organization shall forward the result of~~
5 ~~the criminal history record check and any subsequent notification of~~
6 ~~activity on the record to the department to determine eligibility for initial~~
7 ~~certification or certification renewal.~~

8 ~~(B) Notwithstanding the provisions of sub-subparagraph (A) of~~
9 ~~this subparagraph (I), the government entity or private, not-for-profit, or~~
10 ~~for-profit organization may acquire a name-based criminal history record~~
11 ~~check for an individual who has twice submitted to a fingerprint-based~~
12 ~~criminal history record check and whose fingerprints are unclassifiable.~~

13 ~~(H) Notwithstanding the provisions of subparagraph (I) of this~~
14 ~~paragraph (c), if a person submitted to a fingerprint-based criminal history~~
15 ~~record check at the time of initial certification or certification renewal, the~~
16 ~~person shall not be required to submit to a subsequent fingerprint-based~~
17 ~~criminal history record check.~~

18 ~~(d) (I) If an applicant for initial certification or certification~~
19 ~~renewal is not employed at the time of application, the department shall~~
20 ~~require the applicant to submit to a fingerprint-based criminal history~~
21 ~~record check by the Colorado bureau of investigation, as defined in rule,~~
22 ~~by the board of health, if the applicant has lived in the state for more than~~
23 ~~three years; except that the department may acquire a state name-based~~
24 ~~criminal history record check for an applicant who has twice submitted~~
25 ~~to a fingerprint-based criminal history record check and whose~~
26 ~~fingerprints are unclassifiable.~~

27 ~~(H) Notwithstanding the provisions of subparagraph (I) of this~~

1 ~~paragraph (d), if a person submitted to a fingerprint-based criminal~~
2 ~~history record check at the time of initial certification or certification~~
3 ~~renewal, the person shall not be required to submit to a subsequent~~
4 ~~fingerprint-based criminal history record check.~~

5 (e) ~~If the applicant is not employed or is employed by a~~
6 ~~nongovernmental entity at the time of application and has lived in the~~
7 ~~state for three years or less, the department shall require the applicant to~~
8 ~~submit to a federal bureau of investigation fingerprint-based national~~
9 ~~criminal history record check; except that the department may acquire a~~
10 ~~national name-based criminal history record check for an applicant who~~
11 ~~has twice submitted to a fingerprint-based criminal history record check~~
12 ~~and whose fingerprints are unclassifiable. The department shall be the~~
13 ~~authorized agency to receive and disseminate information regarding the~~
14 ~~result of any national criminal history record check. Any such national~~
15 ~~criminal history record check shall be handled in accordance with Pub.L.~~
16 ~~92-544, as amended.~~

17 (f) IF AN APPLICANT FOR CERTIFICATION OR LICENSURE RENEWAL
18 HAS LIVED IN COLORADO FOR:

19 (I) MORE THAN THREE YEARS AT THE TIME OF CERTIFICATION OR
20 LICENSURE RENEWAL AND SUBMITTED TO A FEDERAL BUREAU OF
21 INVESTIGATION FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY
22 RECORD CHECK AT THE TIME OF INITIAL CERTIFICATION OR LICENSURE OR
23 AT THE TIME OF A PREVIOUS RENEWAL OF CERTIFICATION OR LICENSURE,
24 THE APPLICANT IS NOT REQUIRED TO SUBMIT TO A SUBSEQUENT
25 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK; OR

26 (II) THREE YEARS OR LESS AT THE TIME OF CERTIFICATION OR
27 LICENSURE RENEWAL AND SUBMITTED TO A FEDERAL BUREAU OF

1 INVESTIGATION FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY
2 RECORD CHECK AT THE TIME OF INITIAL CERTIFICATION OR LICENSURE OR
3 A PREVIOUS RENEWAL OF CERTIFICATION OR LICENSURE, THE APPLICANT
4 SHALL SUBMIT TO ANOTHER FEDERAL BUREAU OF INVESTIGATION
5 FINGERPRINT-BASED NATIONAL CRIMINAL HISTORY RECORD CHECK FROM
6 THE COLORADO BUREAU OF INVESTIGATION; EXCEPT THAT THE
7 DEPARTMENT MAY ACQUIRE A STATE NAME-BASED CRIMINAL HISTORY
8 RECORD CHECK FOR AN APPLICANT WHO HAS TWICE SUBMITTED TO A
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND WHOSE
10 FINGERPRINTS ARE UNCLASSIFIABLE.

11 **SECTION 3.** In Colorado Revised Statutes, 25-3.5-206, **amend**
12 (1), (2)(a) introductory portion, (2)(a)(I)(D), (2)(a)(I)(E), (2)(a)(I)(F),
13 (3)(a), (3)(c), (4)(a) introductory portion, (4)(a)(I), (4)(a)(V)(A), and
14 (4)(a.5)(I) as follows:

15 **25-3.5-206. Emergency medical practice advisory council -**
16 **creation - powers and duties - emergency medical service provider**
17 **scope of practice - rules.** (1) There is hereby created within the
18 department, as a **type 2** entity under the direction of the ~~executive~~
19 director, ~~of the department~~, the emergency medical practice advisory
20 council, referred to in this part 2 as the "advisory council". The advisory
21 council is responsible for advising the department regarding the
22 appropriate scope of practice for emergency medical service providers
23 certified OR LICENSED under section 25-3.5-203.

24 (2) (a) The ~~emergency medical practice~~ advisory council consists
25 of the following eleven members:

26 (I) Eight voting members appointed by the governor as follows:

27 (D) One emergency medical service provider certified OR

1 LICENSED at an advanced life support level who is actively involved in the
2 provision of emergency medical services;

3 (E) One emergency medical service provider certified OR
4 LICENSED at a basic life support level who is actively involved in the
5 provision of emergency medical services; and

6 (F) One emergency medical service provider certified OR
7 LICENSED at any level who is actively involved in the provision of
8 emergency medical services;

9 (3) The advisory council shall provide general technical expertise
10 on matters related to the provision of patient care by emergency medical
11 service providers and shall advise or make recommendations to the
12 department in the following areas:

13 (a) The acts and medications that ~~certified~~ emergency medical
14 service providers at each level of certification OR LICENSURE are
15 authorized to perform or administer under the direction of a physician
16 medical director;

17 (c) Modifications to emergency medical service provider
18 certification OR LICENSURE levels and capabilities; and

19 (4) (a) The director or, if the director is not a physician, the chief
20 medical officer shall adopt rules, in accordance with article 4 of title 24,
21 ~~C.R.S.~~, concerning the scope of practice of emergency medical service
22 providers for prehospital care. The rules must include the following:

23 (I) Allowable acts for each level of emergency medical service
24 provider certification OR LICENSURE and the medications that A
25 CERTIFICATE HOLDER OR LICENSEE AT each level of emergency medical
26 service provider certification OR LICENSURE can administer;

27 (V) (A) Standards for the issuance by the department of a critical

1 care endorsement for emergency medical service providers. An
2 emergency medical service provider with a critical care endorsement is
3 authorized to perform the tasks and procedures specified by rule. The
4 endorsement is valid as long as the emergency medical service provider
5 maintains certification OR LICENSURE by the department.

6 (a.5) (I) ~~On or before January 1, 2018,~~ The director or, if the
7 director is not a physician, the chief medical officer shall adopt rules in
8 accordance with article 4 of title 24 ~~C.R.S.~~, concerning the scope of
9 practice of a community paramedic. An emergency medical service
10 provider's endorsement as a community paramedic, issued pursuant to the
11 rules adopted under section 25-3.5-203.5, is valid for as long as the
12 emergency medical service provider maintains ~~his or her~~ THE EMERGENCY
13 MEDICAL SERVICE PROVIDER'S certification OR LICENSURE by the
14 department.

15 **SECTION 4.** In Colorado Revised Statutes, 8-2-123, **amend**
16 (1)(d) as follows:

17 **8-2-123. Health care workers - retaliation prohibited -**
18 **definitions.** (1) As used in this section:

19 (d) "Health care worker" means any person certified, registered,
20 or licensed pursuant to article 22, 29.5, 32, 33, 35, 36, or 37, or 38 to 43
21 of title 12 ~~C.R.S.~~, or certified OR LICENSED pursuant to section
22 25-3.5-203. ~~C.R.S.~~

23 **SECTION 5.** In Colorado Revised Statutes, 12-36-106, **amend**
24 (3)(y) as follows:

25 **12-36-106. Practice of medicine defined - exemptions from**
26 **licensing requirements - unauthorized practice by physician**
27 **assistants and anesthesiologist assistants - penalties - rules - repeal.**

1 (3) A person may engage in, and shall not be required to obtain a license
2 or a physician training license under this article 36 with respect to, any of
3 the following acts:

4 (y) The rendering of services by an emergency medical service
5 provider certified OR LICENSED under section 25-3.5-203, ~~C.R.S.~~, if the
6 services rendered are consistent with rules adopted by the executive
7 director or chief medical officer, as applicable, under section 25-3.5-206,
8 ~~C.R.S.~~, defining the duties and functions of emergency medical service
9 providers;

10 **SECTION 6.** In Colorado Revised Statutes, 12-42.5-408, **amend**
11 (1) as follows:

12 **12-42.5-408. Exemption - waiver.** (1) A hospital licensed or
13 certified pursuant to section 25-1.5-103, ~~C.R.S.~~, a prescription drug outlet
14 located within the hospital that is dispensing a controlled substance for a
15 chart order or dispensing less than or equal to a twenty-four-hour supply
16 of a controlled substance, and AN emergency medical services personnel
17 SERVICE PROVIDER certified OR LICENSED pursuant to section 25-3.5-203
18 ~~C.R.S.~~, are exempt from the reporting provisions of this part 4. A hospital
19 prescription drug outlet licensed pursuant to section 12-42.5-112 shall
20 comply with the provisions of this part 4 for controlled substances
21 dispensed for outpatient care that have more than a twenty-four-hour
22 supply.

23 **SECTION 7.** In Colorado Revised Statutes, 13-21-108.2, **amend**
24 (1) and (2)(b) as follows:

25 **13-21-108.2. Persons rendering emergency assistance -**
26 **competitive sports - exemption from civil liability.** (1) (a) Except as
27 provided in subsection (2) of this section, a person licensed as a

1 physician, osteopath, chiropractor, nurse, physical therapist, podiatrist,
2 dentist, or optometrist or certified OR LICENSED as an emergency medical
3 service provider under part 2 of article 3.5 of title 25, ~~C.R.S.~~, who, in
4 good faith and without compensation, renders emergency care or
5 emergency assistance, including sideline or on-field care as a team health
6 care provider, to an individual requiring emergency care or emergency
7 assistance as a result of having engaged in a competitive sport is not
8 liable for civil damages as a result of acts or omissions by the physician,
9 osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist, or
10 optometrist, or person certified OR LICENSED as an emergency medical
11 service provider under part 2 of article 3.5 of title 25. ~~C.R.S.~~

12 (b) The provisions of this subsection (1) apply to the rendering of
13 emergency care or emergency assistance to a minor even if the physician,
14 osteopath, chiropractor, nurse, physical therapist, podiatrist, dentist,
15 EMERGENCY MEDICAL SERVICE PROVIDER, or optometrist ~~or the person~~
16 ~~certified as an emergency service provider under part 2 of article 3.5 of~~
17 ~~title 25, C.R.S.~~, does not obtain permission from the parent or legal
18 guardian of the minor before rendering the care or assistance; except that,
19 if a parent or guardian refuses the rendering of emergency care, this
20 subsection (1) does not apply.

21 (2) The exemption from civil liability described in subsection (1)
22 of this section does not apply to:

23 (b) Acts or omissions that are outside the scope of the license held
24 by the physician, osteopath, chiropractor, nurse, physical therapist,
25 podiatrist, dentist, or optometrist or outside the scope of the certificate OR
26 LICENSE held by ~~a person who is certified as~~ an emergency medical
27 service provider under part 2 of article 3.5 of title 25. ~~C.R.S.~~

1 **SECTION 8.** In Colorado Revised Statutes, 15-18.6-101, **amend**
2 the introductory portion and (3) as follows:

3 **15-18.6-101. Definitions.** As used in this ~~article~~ ARTICLE 18.6,
4 unless the context otherwise requires:

5 (3) "Emergency medical service personnel" means an emergency
6 medical service provider at any level who is certified or licensed by the
7 department of public health and environment. "Emergency medical
8 service personnel" includes ~~a first~~ AN EMERGENCY MEDICAL responder
9 ~~certified~~ REGISTERED by the department of public health and environment
10 ~~or the division of fire prevention and control in the department of public~~
11 ~~safety~~, in accordance with ~~section 24-33.5-1205 (2)(c)~~, C.R.S. SECTION
12 25-3.5-1103.

13 **SECTION 9.** In Colorado Revised Statutes, 15-18.7-102, **amend**
14 the introductory portion and (8) as follows:

15 **15-18.7-102. Definitions.** As used in this ~~article~~ ARTICLE 18.7,
16 unless the context otherwise requires:

17 (8) "Emergency medical service personnel" means an emergency
18 medical service provider who is certified or licensed by the department
19 of public health and environment, created and existing under section
20 25-1-102, ~~C.R.S.~~, ~~or a first~~ OR AN EMERGENCY MEDICAL responder
21 ~~certified~~ REGISTERED by the department of public health and environment
22 ~~or the division of fire prevention and control in the department of public~~
23 ~~safety~~, in accordance with ~~part 12 of article 33.5 of title 24~~, C.R.S.
24 SECTION 25-3.5-1103.

25 **SECTION 10.** In Colorado Revised Statutes, 18-3-106, **amend**
26 (4)(d) as follows:

27 **18-3-106. Vehicular homicide.** (4) (d) No person except a

1 physician, a registered nurse, ~~a paramedic as certified in~~ AN EMERGENCY
2 MEDICAL SERVICE PROVIDER CERTIFIED OR LICENSED UNDER part 2 of
3 article 3.5 of title 25 ~~C.R.S., an emergency medical service provider as~~
4 ~~defined in part 1 of article 3.5 of title 25, C.R.S.,~~ WHO IS AUTHORIZED
5 WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person
6 whose normal duties include withdrawing blood samples under the
7 supervision of a physician or registered nurse ~~is entitled to~~ MAY withdraw
8 blood for the purpose of determining the ~~alcoholic~~ ALCOHOL or drug
9 content of the blood for purposes of this section. In a trial for a violation
10 of ~~paragraph (b) of subsection (1)~~ SUBSECTION (1)(b) of this section,
11 testimony of a law enforcement officer that ~~he or she~~ THE OFFICER
12 witnessed the taking of a blood specimen by a person who ~~he or she~~ THE
13 OFFICER reasonably believed was authorized to withdraw blood specimens
14 is sufficient evidence that the person was authorized, and testimony from
15 the person who obtained the blood specimens concerning the person's
16 authorization to obtain blood specimens is not a prerequisite to the
17 admissibility of test results concerning the blood specimens obtained. ~~No~~
18 Civil liability ~~shall~~ DOES NOT attach to any person authorized to obtain
19 blood, breath, saliva, or urine specimens or to any hospital, clinic, or
20 association in or for which ~~such~~ THE specimens are obtained pursuant to
21 this subsection (4) as a result of the act of obtaining the specimens from
22 a person if the specimens were obtained according to the rules prescribed
23 by the state board of health; except that ~~such provision~~ THIS SUBSECTION
24 (4)(d) does not relieve the person from liability for negligence in
25 obtaining any specimen sample.

26 **SECTION 11.** In Colorado Revised Statutes, 18-3-205, **amend**
27 (4)(d) as follows:

1 **18-3-205. Vehicular assault.** (4) (d) No person except a
2 physician, a registered nurse, ~~a paramedic as certified in~~ AN EMERGENCY
3 MEDICAL SERVICE PROVIDER CERTIFIED OR LICENSED UNDER part 2 of
4 article 3.5 of title 25 ~~C.R.S., an emergency medical service provider as~~
5 ~~defined in part 1 of article 3.5 of title 25, C.R.S.,~~ WHO IS AUTHORIZED
6 WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or a person
7 whose normal duties include withdrawing blood samples under the
8 supervision of a physician or registered nurse ~~is entitled to~~ MAY withdraw
9 blood to determine the ~~alcoholic~~ ALCOHOL or drug content of the blood
10 for purposes of this section. In a trial for a violation of ~~paragraph (b) of~~
11 ~~subsection (1)~~ SUBSECTION (1)(b) of this section, testimony of a law
12 enforcement officer that the officer witnessed the taking of a blood
13 specimen by a person who the officer reasonably believed was authorized
14 to withdraw blood specimens is sufficient evidence that the person was
15 authorized, and testimony from the person who obtained the blood
16 specimens concerning the person's authorization to obtain blood
17 specimens is not a prerequisite to the admissibility of test results
18 concerning the blood specimens obtained. ~~No~~ Civil liability ~~shall~~ DOES
19 NOT attach to a person authorized to obtain blood, breath, saliva, or urine
20 specimens or to a hospital, clinic, or association in or for which the
21 specimens are obtained in accordance with this subsection (4) as a result
22 of the act of obtaining the specimens from any person if the specimens
23 were obtained according to the rules prescribed by the state board of
24 health; except that ~~the provision~~ THIS SUBSECTION (4)(d) does not relieve
25 the person from liability for negligence in obtaining the specimen sample.

26 **SECTION 12.** In Colorado Revised Statutes, 18-3.5-108, **amend**
27 (5)(d) as follows:

1 **18-3.5-108. Aggravated vehicular unlawful termination of**
2 **pregnancy - definitions.** (5) (d) No person except a physician, a
3 registered nurse, an emergency medical service provider ~~as certified in~~
4 ~~part 2 of article 3.5 of title 25;~~ OR LICENSED UNDER SECTION 25-3.5-203
5 WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW
6 BLOOD, or a person whose normal duties include withdrawing blood
7 samples under the supervision of a physician or registered nurse ~~shall be~~
8 ~~entitled to~~ MAY withdraw blood for the purpose of determining the
9 alcohol or drug content ~~therein~~ IN THE BLOOD. In any trial for a violation
10 of subsection (1)(a) of this section, testimony of a law enforcement
11 officer that ~~he or she~~ THE OFFICER witnessed the taking of a blood
12 specimen by a person who ~~he or she~~ THE OFFICER reasonably believed was
13 authorized to withdraw blood specimens ~~shall be~~ IS sufficient evidence
14 that the person was so authorized, and testimony from the person who
15 obtained the blood specimens concerning the person's authorization to
16 obtain blood specimens ~~shall~~ IS not be a prerequisite to the admissibility
17 of test results concerning the blood specimens obtained. ~~No~~ Civil liability
18 ~~shall~~ DOES NOT attach to any person authorized to obtain blood, breath,
19 saliva, or urine specimens or to any hospital, clinic, or association in or
20 for which ~~such~~ THE specimens are obtained pursuant to this subsection (5)
21 as a result of the act of obtaining ~~such~~ THE specimens from any person if
22 ~~such~~ THE specimens were obtained according to the rules prescribed by
23 the state board of health; except that this subsection (5) does not relieve
24 any such person from liability for negligence in ~~the~~ obtaining of any
25 specimen sample.

26 **SECTION 13.** In Colorado Revised Statutes, 19-3-304, **amend**
27 (2)(kk) as follows:

1 successful course completion to those individuals who successfully
2 complete other emergency medical services training programs of the
3 department. The programs may provide for the training of emergency
4 medical dispatchers, emergency medical services instructors, emergency
5 medical services coordinators, and other personnel who provide
6 emergency medical services. The receipt of the certificate of course
7 completion is not deemed state licensure, approval, or a determination of
8 competency.

9 **SECTION 16.** In Colorado Revised Statutes, **amend 25-3.5-202**
10 as follows:

11 **25-3.5-202. Personnel - basic requirements.** Emergency medical
12 ~~personnel~~ SERVICE PROVIDERS employed or utilized in connection with an
13 ambulance service shall meet the qualifications established, by resolution,
14 by the board of county commissioners of the county in which the
15 ambulance is based in order to be certified OR LICENSED. For ambulance
16 drivers, the minimum requirements include the possession of a valid
17 driver's license and other requirements established by the board by rule
18 under section 25-3.5-308. For any person responsible for providing direct
19 emergency medical care and treatment to patients transported in an
20 ambulance, the minimum requirement is possession of an emergency
21 medical service provider certificate OR LICENSE issued by the department.
22 In the case of an emergency in an ambulance service area where no
23 person possessing the qualifications required by this section is present or
24 available to respond to a call for the emergency transportation of patients
25 by ambulance, any person may operate the ambulance to transport any
26 sick, injured, or otherwise incapacitated or helpless person in order to
27 stabilize the medical condition of the person pending the availability of

1 medical care.

2 **SECTION 17.** In Colorado Revised Statutes, 25-3.5-205, **amend**
3 (1)(a) and (5)(a) as follows:

4 **25-3.5-205. Emergency medical service providers -**
5 **investigation - discipline.** (1) (a) The department may administer oaths,
6 take affirmations of witnesses, and issue subpoenas to compel the
7 attendance of witnesses and the production of all relevant records and
8 documents to investigate alleged misconduct by certified OR LICENSED
9 emergency medical service providers.

10 (5) For the purposes of this section:

11 (a) "Medical director" means a physician who supervises certified
12 OR LICENSED emergency medical service providers consistent with the
13 rules adopted by the ~~executive~~ director or chief medical officer, as
14 applicable, under section 25-3.5-206.

15 **SECTION 18.** In Colorado Revised Statutes, 25-3.5-603, **amend**
16 (1)(a), (3) introductory portion, and (3)(c)(I) as follows:

17 **25-3.5-603. Emergency medical services account - creation -**
18 **allocation of funds.** (1) (a) There is hereby created a special account
19 within the highway users tax fund established under section 43-4-201,
20 ~~C.R.S.~~, to be known as the emergency medical services account, which
21 consists of all ~~moneys~~ MONEY transferred ~~thereto~~ INTO THE ACCOUNT in
22 accordance with section 42-3-304 (21), ~~C.R.S.~~, fees collected under
23 section 25-3.5-203 for provisional certifications OR LICENSES of
24 emergency medical service providers, and fees collected under section
25 25-3.5-1103 for provisional registration of emergency medical
26 responders.

27 (3) ~~On and after July 1, 2002,~~ The general assembly shall

1 appropriate ~~moneys~~ MONEY in the emergency medical services account:

2 (c) To the direct and indirect costs of planning, developing,
3 implementing, maintaining, and improving the statewide emergency
4 medical and trauma services system. These costs include:

5 (I) Providing technical assistance and support to local
6 governments, local emergency medical and trauma service providers, and
7 RETACs operating a statewide data collection system, coordinating local
8 and state programs, providing assistance in selection and purchasing of
9 medical and communication equipment, administering the EMTS grant
10 program, establishing and maintaining scope of practice for certified OR
11 LICENSED EMERGENCY medical service providers, and administering a
12 registration program for emergency medical responders; and

13 **SECTION 19.** In Colorado Revised Statutes, 25-3.5-605, **amend**
14 (2) introductory portion, (2)(d) introductory portion, and (2)(d)(I) as
15 follows:

16 **25-3.5-605. Improvement of county emergency medical and**
17 **trauma services - eligibility for county funding - manner of**
18 **distributing funds.** (2) In order to qualify for ~~moneys~~ MONEY under this
19 section, a county must:

20 (d) Ensure that all ~~moneys~~ MONEY received under this section ~~are~~
21 IS expended on developing and updating the emergency medical and
22 trauma services plan and other emergency medical and trauma services
23 needs of the county such as:

24 (I) Training and certification OR LICENSURE of emergency medical
25 service providers;

26 **SECTION 20.** In Colorado Revised Statutes, 25-3.5-903, **amend**
27 (2) as follows:

1 **25-3.5-903. Definitions.** As used in this part 9, unless the context
2 otherwise requires:

3 (2) "Prehospital medical director" or "medical director" means a
4 licensed physician who supervises certified OR LICENSED emergency
5 medical service providers who provide prehospital care.

6 **SECTION 21.** In Colorado Revised Statutes, 25-3.5-904, **amend**
7 (2)(a) as follows:

8 **25-3.5-904. Quality management programs - creation -**
9 **assessments - confidentiality of information - exceptions - immunity**
10 **for good-faith participants.** (2) (a) Except as provided in ~~paragraph (b)~~
11 ~~of this subsection (2)~~ SUBSECTION (2)(b) or ~~subsection (3)~~ of this section,
12 information required to be collected and maintained, including
13 information from the prehospital care reporting system that identifies an
14 individual, and records, reports, and other information obtained and
15 maintained in accordance with a quality management program established
16 pursuant to this section are confidential and shall not be released except
17 to the department in cases of an alleged violation of board rules
18 pertaining to emergency medical service provider certification OR
19 LICENSURE or except in accordance with section 25-3.5-205 (4).

20 **SECTION 22.** In Colorado Revised Statutes, 25-3.5-1101,
21 **amend** (1)(a) as follows:

22 **25-3.5-1101. Legislative declaration.** (1) The general assembly
23 hereby finds that:

24 (a) The department ~~of public health and environment~~ has
25 responsibility for oversight of the emergency medical and trauma services
26 system and the certification OR LICENSURE of emergency medical service
27 providers. Emergency medical service providers are certified OR

1 LICENSED by the department to provide treatment and transport to the sick
2 and injured.

3 **SECTION 23.** In Colorado Revised Statutes, 25-3.5-1203,
4 **amend** (6) as follows:

5 **25-3.5-1203. Community assistance referral and education**
6 **services programs - authorization - scope - repeal.** (6) A person
7 working directly or indirectly for a CARES program, whether as an
8 employee or a contractor, may only provide services consistent with the
9 requirements of subsection (3) of this section; except that nothing in this
10 section prohibits a licensed, certified, or registered health care or mental
11 health provider or certified OR LICENSED emergency medical service
12 provider from acting or providing services within ~~his or her~~ THE
13 PROVIDER'S scope of practice if necessary to respond to an emergent
14 situation.

15 **SECTION 24.** In Colorado Revised Statutes, 33-13-108.1,
16 **amend** (6) as follows:

17 **33-13-108.1. Operating a vessel while under the influence.**
18 (6) The arresting officer having probable cause to believe a person has
19 violated this section shall direct the administration of the tests in
20 accordance with rules prescribed by the state board of health with utmost
21 respect for the constitutional rights, dignity, and health of the person
22 being tested. No person except a physician, a registered nurse, a
23 ~~paramedic as~~ AN EMERGENCY MEDICAL SERVICE PROVIDER certified in OR
24 LICENSED UNDER part 2 of article 3.5 of title 25 ~~C.R.S., an emergency~~
25 ~~medical service provider as defined in part 1 of article 3.5 of title 25,~~
26 ~~C.R.S.,~~ WHO IS AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO
27 DRAW BLOOD, or a person whose normal duties include withdrawing

1 blood samples under the supervision of a physician or registered nurse
2 shall withdraw blood to determine the ~~alcoholic~~ ALCOHOL or drug content
3 of the blood for purposes of this section. ~~No Civil liability attaches~~ DOES
4 NOT ATTACH to a person authorized to obtain blood, breath, saliva, or
5 urine specimens or to a hospital in which the specimens are obtained as
6 provided in subsection (4) of this section as a result of the act of obtaining
7 the specimens from any person submitting thereto if the specimens were
8 obtained according to the rules of the state board of health; except that
9 this ~~provision~~ SUBSECTION (6) does not relieve the person from liability
10 for negligence in obtaining a specimen sample.

11 **SECTION 25.** In Colorado Revised Statutes, 41-2-102, **amend**
12 (6)(b)(II) as follows:

13 **41-2-102. Operating an aircraft under the influence -**
14 **operating an aircraft with excessive alcohol content - tests - penalties**
15 **- useful public service program.** (6) (b) (II) No person except a
16 physician, a registered nurse, an emergency medical service provider, as
17 defined in part 1 of article 3.5 of title 25 ~~C.R.S.~~, and as certified ~~in~~ OR
18 LICENSED UNDER part 2 of article 3.5 of title 25 ~~C.R.S.~~, WHO IS
19 AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or
20 a person whose normal duties include withdrawing blood samples under
21 the supervision of a physician or registered nurse shall withdraw blood to
22 determine the ~~alcoholic~~ ALCOHOL or drug content of the blood for
23 purposes of this section. In a trial for a violation of subsection (1) or (2)
24 of this section, the testimony of a law enforcement officer that ~~he or she~~
25 THE OFFICER witnessed the taking of a blood specimen by a person who
26 ~~he or she~~ THE OFFICER reasonably believed was authorized to withdraw
27 a blood specimen is sufficient evidence that the person was authorized,

1 and testimony from the person who obtained the blood specimens
2 concerning the person's authorization to obtain blood specimens is not a
3 prerequisite to the admissibility of test results concerning the blood
4 specimen obtained. ~~No Civil liability attaches~~ DOES NOT ATTACH to a
5 person authorized to obtain blood, breath, saliva, or urine specimens or
6 to a hospital, clinic, or association in or for which the specimens are
7 obtained as provided in this subsection (6) as a result of the act of
8 obtaining the specimens from any person submitting thereto if the
9 specimens were obtained according to the rules ~~and regulations~~ of the
10 state board of health; except that this ~~provision shall~~ SUBSECTION
11 (6)(b)(II) DOES not relieve the person from liability for negligence in ~~the~~
12 obtaining of any specimen sample.

13 **SECTION 26.** In Colorado Revised Statutes, 42-4-1301.1,
14 **amend** (6)(a) as follows:

15 **42-4-1301.1. Expressed consent for the taking of blood, breath,**
16 **urine, or saliva sample - testing - fund - rules - repeal.** (6) (a) No
17 person except a physician, a registered nurse, ~~a paramedic,~~ as AN
18 EMERGENCY MEDICAL SERVICE PROVIDER certified in OR LICENSED UNDER
19 part 2 of article 3.5 of title 25 C.R.S., ~~an emergency medical service~~
20 ~~provider, as defined in part 1 of article 3.5 of title 25, C.R.S.,~~ WHO IS
21 AUTHORIZED WITHIN HIS OR HER SCOPE OF PRACTICE TO DRAW BLOOD, or
22 a person whose normal duties include withdrawing blood samples under
23 the supervision of a physician or registered nurse shall withdraw blood to
24 determine the ~~alcoholic~~ ALCOHOL or drug content of the blood for
25 purposes of this section.

26 **SECTION 27.** In Colorado Revised Statutes, 12-240-107, **amend**
27 **as relocated by House Bill 19-1172** (3)(w) as follows:

1 **12-240-107. Practice of medicine defined - exemptions from**
2 **licensing requirements - unauthorized practice by physician**
3 **assistants and anesthesiologist assistants - penalties - definitions -**
4 **rules - repeal.** (3) A person may engage in, and shall not be required to
5 obtain a license or a physician training license under this article 240 with
6 respect to, any of the following acts:

7 (w) The rendering of services by an emergency medical service
8 provider certified OR LICENSED under section 25-3.5-203 if the services
9 rendered are consistent with rules adopted under section 25-3.5-206
10 defining the duties and functions of emergency medical service providers;

11 **SECTION 28.** In Colorado Revised Statutes, 12-280-408, **amend**
12 **as relocated by House Bill 19-1172** (1) as follows:

13 **12-280-408. Exemption - waiver.** (1) A hospital licensed or
14 certified pursuant to section 25-1.5-103, a prescription drug outlet located
15 within the hospital that is dispensing a controlled substance for a chart
16 order or dispensing less than or equal to a twenty-four-hour supply of a
17 controlled substance, and AN emergency medical ~~services personnel~~
18 SERVICE PROVIDER certified OR LICENSED pursuant to section 25-3.5-203
19 are exempt from the reporting provisions of this part 4. A hospital
20 prescription drug outlet licensed pursuant to section 12-280-114 shall
21 comply with the provisions of this part 4 for controlled substances
22 dispensed for outpatient care that have more than a twenty-four-hour
23 supply.

24 **SECTION 29. Effective date - applicability.** (1) This act takes
25 effect upon passage; except that sections 27 and 28 of this act take effect
26 only if House Bill 19-1172 becomes law, in which case sections 27 and
27 28 take effect October 1, 2019.

1 (2) This act applies to conduct occurring on or after the applicable
2 effective date of this act.

3 **SECTION 30. Safety clause.** The general assembly hereby finds,
4 determines, and declares that this act is necessary for the immediate
5 preservation of the public peace, health, and safety.